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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,240	03/28/2000	JAMES A. TRUC	P155.12-0047	4835

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KINNEY & LANGE, P.A.  
THE KINNEY & LANGE BUILDING  
312 SOUTH THIRD STREET  
MINNEAPOLIS, MN 55415-1002

EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
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2613

6

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/537,240

**Applicant(s)**

TRUC ET AL.

**Examiner**

Nhon T Diep

**Art Unit**

2613

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/29/2003 have been fully considered but they are not persuasive.

With regard to the applicants' argument that Shishizuka et al does not the scanner that includes the specific plurality of subsystems in communication with the computer through the high speed interface, each subsystem including a microprocessor, each subsystem assigned a unique identifier (page 10, ln. 3-10). The examiner respectfully disagrees and would like to direct applicants' attention to figs 43-49 of Shishizuka et al. At the least, it is the examiner's opinion that fig. 48 shows scanner controller control register unit and scanner image transfer FIFO controller which are the specific plurality of subsystems of the scanner and uniquely identified as register unit and transfer FIFO unit.

With regard to the applicants' argument that DiFrancesco is not believe to show or suggest the specific claimed combination of film-type selection device and an adjustment device, wherein the adjustment device is responsive to the manual adjustment of the film type selection device to automatically change the position of both the lens and the light sensor to provide proper focus for the selected type of film (page 10, ln. 30-35). The examiner respectfully disagrees, since claims 1-6, 9, 11-14 and 39 are rejected under 35 U.S.C. 103(a) and even though, the examiner agrees that DiFrancesco does not particularly disclose film type selection means for **manually** selecting a type of film to be scanned; adjustment means responsive to the film type

selection means for **automatically** changing the position of the lens and the position of the light sensor to provide proper focus for the selected type of film; however, since DiFrancesco teaches that the scanner as disclosed can be used to scan a wide variety of images stored on a semi-transparent medium, for example, single negatives and film of varying sizes and convert images to digital or analog signals (col. 3, ln. 66 – col. 4, ln. 3) and therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the current scanner of DiFrancesco by providing a selection means for selecting a type of film to be scanned, manually or automatically so his scanner can be used to scan a wide variety of film type as taught and then in order to provide proper focus for the selected type of film, automatically changing the position of the lens and the position of the light sensor. Doing so would help to speed up the scanning process.

With regard to the applicants' argument that Difrancesco does not disclose the claimed guide tracks and that the reference to Truc et al even if combinable to Difrancesco would not show or suggest the specific combination of elements required by claim 18 and that one having ordinary skilled in the art would not have combined the references as suggested in the Office Action, due to the fact that the references themselves do not suggest a motivation for the combination (page 13, ln. 15-28). The examiner respectfully disagrees. It is the examiner's belief that since Truc et al teaches a first and a second inlet, the first inlet adapted to receive a plurality of types of photographic film strips, the second inlet adapted to receive slides and a first guide track and a second guide track for guiding the film and the slides, respectively through the scanner (col. 9,

In. 34-67), Truc et al does provide motivation for one of ordinary skilled in the art at the time the invention was made to modify the current scanner of DiFrancesco by providing a first and a second inlet, the first inlet adapted to receive a plurality of types of photographic film strips, the second inlet adapted to receive slides and a first guide track and a second guide track for guiding the film and the slides, respectively through the scanner and an infrared light filter and light tunnel. Doing so would help to scan a variety of products and also help to obtain focus images.

Further more, Gu teaches a system and methods automated color correction includes means for adjusting a gain of the pixel data and an offset of the pixel data (col. 16, In. 44-59) and that these adjustments are programmable (col. 11, In. 64 – col. 12, In. 19) as specified in claims 7-8; and Sawanobori teaches the displaying of images (col. 2, lines 1-24) as specified in claim 10; and Yamasaki teaches a film frame number bar-code sensor 42 provided near the film carrier 34 senses the frame number information bar code on the film 8 as shown in FIG. 3B. A film identification code reader 43 reads the film identification code as specified in claim 17.

Having answered all of issues raised by the applicants, the examiner maintains all of his rejections as set forth in the previous Office Action (paper #6).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Shishizuka et al (US 6,480,916) as set forth in the previous Office Action (paper #6).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9, 11-14 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco (US 5,815,202) as set forth in the previous Office Action (paper #6).

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco, in view of Gu (US 5,874,988) as set forth in the previous Office Action (paper #6).

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7. Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco, in view of Sawanobori (US 6,486,980 as set forth in the previous Office Action (paper #6).

8. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco, in view of Truc et al (US 6,100,924) as set forth in the previous Office Action (paper #6).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco, in view of Yamasaki (US 5,477,353 as set forth in the previous Office Action (paper #6).

10. Claims 18-22, 24, 27, 29 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco, in view of Truc et al as set forth in the previous Office Action (paper #6).

11. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiFrancesco and Truc et al, and further in view of Gu (US 5,874,988) as set forth in the previous Office Action (paper #6).

12. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiFrancesco and Truc et al, in view of Sawanobori (US 6,486,980 as set forth in the previous Office Action (paper #6).

13. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiFrancesco and Truc et al, in view of Yamasaki (US 5,477,353 as set forth in the previous Office Action (paper #6).

**Conclusion**

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

  
**NHON DIEP**  
**PRIMARY EXAMINER**